

R E M A R K S

This paper is being filed in response to the Office Communication dated July 22, 2003 that was issued in connection with the above-identified patent application. Applicants enclose herewith a Petition for a three-month Extension of Time pursuant to 37 C.F.R. §1.136(a) and the fee required under 37 C.F.R. §1.17(a)(3). Applicants also enclose herewith an Information Disclosure Statement, a Form PTO-1449, and the fee required pursuant to 37 C.F.R. §§ 1.17(p) and 1.97(c)(2). Applicant respectfully requests consideration of the instant application in view of the amendments and remarks presented herein.

Claims 1-33 are pending in the instant application. Applicants have previously elected claims 19-23 for prosecution in the present case. Thus, claims 1-18 and 24-33 have been withdrawn from consideration. Applicants have herein cancelled claims 1-18 and 24-33 without prejudice to or disclaimer of the attendant subject matter. Applicants expressly reserve the right to pursue the subject matter of the non-elected claims in one or more further applications.

Claim 19 has been amended and claim 34 has been added. Support for these amendments may be found in the specification as originally filed, for example, at Examples I, II, and III and claims 19, 31, and 32. Applicants assert, therefore, that these amendments do not constitute new matter. Claim 21 has been amended to correct a simple typographical error. Therefore, this amendment does not constitute new matter. In view of the changes made herein, upon entry of this Amendment, claims 19, 21-23, and 34 will be pending in this application.

Applicants thank the Examiner for clarifying the claim Group to which claims 31 and 32 allegedly belong. Applicants traverse restriction in part on the basis that it would not impose an unreasonable search burden on the Examiner to examine these claims.

Applicants thank the Examiner for acknowledging that claims 19-23 are free of prior art.

The Examiner has objected to the specification as allegedly failing to begin with a title. Applicants traverse this objection and assert that the prefatory material on page 1 of the application is clearly marked as such and, therefore, does not constitute part of the specification. Nevertheless, Applicants have deleted these lines.

Claims 19-23 have been rejected under 35 U.S.C. §112, first paragraph as allegedly lacking sufficient support in the specification to enable one of ordinary skill in the art to treat any viral infection. The Examiner has acknowledged that the specification is enabled for treatment of HBV or HCV with either of the compositions of Example 1, but has alleged that since the specification is lacking guidance as to the active ingredient, no other compositions are enabled.

Applicants traverse this rejection and assert that the specification fully enables one or ordinary skill in the art to make and use the invention as claimed. Applicants' continuing efforts have revealed that the compositions of the invention have antiviral activity against viruses other than merely HBV and HCV including, for example, influenza virus. Nevertheless, Applicants have amended claim 19 to recite "hepatitis B virus infection, hepatitis C virus infection, and a combined hepatitis B virus and hepatitis C virus infection" to advance prosecution of the instant application. Applicants, however, reserve the right to pursue claims to other viral infections in one or more derivative applications. In view of the Examiner's acknowledgement that treatment of HBV and HVC infection with the solutions of Example I are enabled, Applicants believe that the claims fully comply with 35 U.S.C. § 112, first paragraph and, therefore, respectfully request withdrawal of this rejection.

In conclusion, Applicants believe that claims 19-23 and 34-35 are in condition for allowance and respectfully request prompt, favorable action.

Applicants enclose herewith the fees required pursuant to 37 C.F.R. §§ 1.17(a)(3), 1.17(p), and 1.97(c)(2). Applicants do not believe any additional fee is due with this submission. Nevertheless, the Commissioner is hereby authorized to deduct any fees required with this submission not otherwise enclosed herewith from Deposit Account No. 02-4377. Two copies of this paper are enclosed.

Respectfully submitted,

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Enclosures